

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIAHONG XU,

Plaintiff,

-against-

APPLE USA,

Defendant.

21-CV-00770 (CM)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, submitted his complaint without the relevant fees or an application for leave to proceed *in forma pauperis* (IFP). By order dated February 1, 2021, the Court directed Plaintiff to either pay the fees or submit an IFP application. On March 31, 2021, the Court received from Plaintiff an incomplete IFP application. It lacks the signature page. (ECF 3.) The Court grants Plaintiff a final opportunity to comply. Within thirty days of the date of this order, Plaintiff must either pay the \$400.00 in fees or submit a complete IFP application. If Plaintiff submits the IFP application, it should be signed and labeled with docket number 21-CV-00770 (CM). If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: April 1, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge